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Timothy P. McKee

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02/04/2009

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EXAMINER

LE, MIRANDA

ART UNIT

PAPER NUMBER

2169

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,888	Applicant(s) MCKEE ET AL.	
	Examiner MIRANDA LE	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/20/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 11/24/08 has been entered.

Information Disclosure Statement

Applicants' Information Disclosure Statement, filed 08/20/08, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Objections

Claim 13 is objected to because of the following informalities: "executing one or more queries to identify items having at least one commonality so as create one or categories..." should be changed to "executing one or more queries to identify items having at least one commonality so as create one or more categories ...".

Appropriate correction is required.

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Claims 13-17 are objected to because of the following informalities:

“computer-readable media” should be changed to “computer-readable **storage** media”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, 13, 18, recite the limitations of “a selected category of items”; “relational information indicates division”. These limitations are not defined by the claims and the specification; and, do not provide a standard for ascertaining the requisite degree and one of the ordinary skill in the art would not be reasonably appraised of the scope of the invention. Therefore, these terms are indefinite as they fail to point out what are being described.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson-Rohrlich (US Patent No. 5,504,852).

Thompson-Rohrlich anticipated independent claims 1, 9, 13, 18 by the following:

As per claim 1, Thompson-Rohrlich teaches a computer system for presenting related items (*i.e. files stored on a computer system, col. 1, lines 40-55*) in a universal data storage device to a user, the system comprising:

a universal data storage device (*i.e. a computer system, col. 1, lines 40-55*) containing a plurality of items (*i.e. files stored on a computer system, col. 1, lines 40-55*) stored in accordance with a universal data schema (*i.e. a special display window, col. 1, lines 40-55*) and containing relational information (*i.e. an alias is created and this alias appears in the Viewer's folder and window, col. 1, line 55 to col. 2, line 11*) corresponding to at least a portion of said plurality of items (*i.e. All mail messages, All application programs, col. 1, line 55 to col. 2, line 11*), wherein the relational information allows relationships between two or more of the plurality of items to be determined (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*), wherein said relational information indicates division of at

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least a portion of said plurality of items into a plurality of categories (*i.e. All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, col. 1, line 55 to col. 6, line 11*), wherein membership of said plurality of categories (*i.e. Files 10 through 13 all meet the requirements of a first categorization, and can be gathered together and stored in a first folder 16. Files 13 through 15 all meet the requirements of a second categorization, and can be gathered together and stored in a second folder 17, col. 2, lines 26-40*) is determined by execution of one or more queries that identify items having at least one commonality (*i.e. to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*); and

a shell (*Fig. 3*) for presenting said plurality of items to a user, wherein the shell is configured to present a selected category of items to a user and is further configured to present said selected category of items in accordance with a display schema stored by said shell in association with said selected category of items (*i.e. In a particular embodiment of this invention, the program which performs the searching, aliasing and organizing function is called a "Viewer," since it provides a particular "View" into the set of files stored on the computer system. A Viewer acts as an intelligent folder that continually searches for files meeting a specification supplied by the user. For each file found, an alias is created and this alias appears in the Viewer's folder and window. In effect, a Viewer acts as an automated filing system. A Viewer can be used to organize*

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files, or as a way to find files having a known characteristic, but whose name or location is not remembered, col. 1, line 55 to col. 6, line 11).

As per claim 9, Thompson-Rohrlich teaches a computer-implement method for presenting related items (*i.e. files stored on a computer system, col. 1, lines 40-55*) in a universal data storage device (*i.e. a computer system, col. 1, lines 40-55*) to a user, the method comprising:

accessing data in said universal data storage device (*i.e. a computer system, col. 1, lines 40-55*), wherein said universal data storage device stores a plurality of items (*i.e. files stored on a computer system, col. 1, lines 40-55*) in accordance with a universal data schema (*i.e. a special display window, col. 1, lines 40-55*), and wherein at least a portion (*i.e. All mail messages, All application programs, col. 1, line 55 to col. 2, line 11*) of said plurality of items contain relational information (*i.e. an alias is created and this alias appears in the Viewer's folder and window, col. 1, line 55 to col. 2, line 11*) which allows relationships between said plurality of items to be determined (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*);

utilizing said relational information to determine a relationship (*i.e. to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*) between a selected item and one or more of the items containing said relational information in the data storage device (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*),

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wherein said relationship has a relationship type (*i.e. All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, col. 1, line 55 to col. 6, line 11*); and

displaying said selected item (*Fig. 3*) and one or more related items to the user, wherein said displaying includes presenting the displayed items with a shell view schema stored in association with said relationship type (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*), wherein said displaying further includes presenting one or more display elements defined by at least a portion of the displayed items, wherein conflicts (*i.e. Since file 13 meets both categorizations, it would need to be appear in both first folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, lines 26-40*) between said shell view schema and said one or more display elements are resolved in favor of said view schema (*i.e. FIG. 1 shows a depiction of searching and organizing files about two different topics in a method in accordance with this invention. Files 10, 11, 12, 13, 14, and 15 each contain information on a separate topic. Files 10 through 13 all meet the requirements of a first categorization, and can be gathered together and stored in a first folder 16. Files 13 through 15 all meet the requirements of a second categorization, and can be gathered together and stored in a second folder 17. Since file 13 meets both categorizations, it would need to be appear in both first*

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folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, lines 26-40).

As per claim 13, Thompson-Rohrlich teaches one or more computer-readable media having computer-executable instructions for performing a method for presenting related items(*i.e. files stored on a computer system, col. 1, lines 40-55*) in a universal data storage device (*i.e. a computer system, col. 1, lines 40-55*) to a user, the method comprising:

accessing data in said universal data storage device (*i.e. a computer system, col. 1, lines 40-55*), wherein said universal data storage device stores a plurality of items (*i.e. files stored on a computer system, col. 1, lines 40-55*) in accordance with a universal data schema (*i.e. a special display window, col. 1, lines 40-55*), and wherein at least a portion (*i.e. All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, col. 1, line 55 to col. 6, line 11*) of said plurality of items contain relational information which allows relationships (*i.e. an alias is created and this alias appears in the Viewer's folder and window, col. 1, line 55 to col. 2, line 11*) between two or more of said plurality of items to be determined (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*), wherein at least a portion of said relationships designate one or more source

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items and one or more target items (*i.e. to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*);

executing one or more queries (*Fig. 3*) to identify items having at least one commonality so as create one or more categories containing one or more of the items containing said relational information in the data storage device (*i.e. to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*); and

presenting (*Fig. 3*) a selected category of items in accordance with a display schema stored by a shell (*i.e. a special display window, col. 1, lines 40-55*) in association with said selected category of items (*i.e. In a particular embodiment of this invention, the program which performs the searching, aliasing and organizing function is called a "Viewer," since it provides a particular "View" into the set of files stored on the computer system. A Viewer acts as an intelligent folder that continually searches for files meeting a specification supplied by the user. For each file found, an alias is created and this alias appears in the Viewer's folder and window. In effect, a Viewer acts as an automated filing system. A Viewer can be used to organize files, or as a way to find files having a known characteristic, but whose name or location is not remembered, col. 1, line 55 to col. 6, line 11*).

As per claim 18, Thompson-Rohrlich teaches a shell for presenting related items (*i.e. files stored on a computer system, col. 1, lines 40-55*) in a universal data storage (*i.e. a computer system, col. 1, lines 40-55*) device to a user, the shell comprising:

a data storage device (*i.e. a computer system, col. 1, lines 40-55*)
interaction component which retrieves data associated with one or more items
from the universal data storage device (*i.e. files stored on a computer system,
col. 1, lines 40-55*), wherein said one or more items are stored in accordance
with a universal data schema (*i.e. a special display window, col. 1, lines 40-55*)
and at least a portion of said one or more items contain relational information that
allows relationships between two or more items to be determined (*i.e. All
application programs, All mail messages, Files whose text contains the words
"progress report", Files modified today, Files not accessed in the past 12 months,
The 10 largest files, col. 1, line 55 to col. 6, line 11*), wherein at least a portion of
said relationships has associated life-time management semantics (*i.e. All
application programs, All mail messages, col. 1, line 55 to col. 6, line 11*);

a related items presentation component which utilizes said retrieved data
to present related items to a user (*Fig. 3*), wherein the relationship presentation
component is configured to present a selected item to a user and is further
configured to utilize said relational information to present one or more items in
said data storage device which are related to said selected item (*i.e. to find files
having a known characteristic, col. 1, line 55 to col. 2, line 11*); and

a shell view component that stores a plurality of shell view schemas that
are associated with one or more relationship types (*i.e. A Viewer can be used to
organize files, or as a way to find files having a known characteristic, col. 1, line
55 to col. 2, line 11*);

wherein said related item presentation component presents said related items with one or more display elements defined by at least a portion of the related items and with one of said plurality of shell view schemas (*Fig. 3*), wherein conflicts (*i.e. Since file 13 meets both categorizations, it would need to be appear in both first folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, lines 26-40*) between a shell view schema and said one or more display elements are resolved in favor of said shell view schema (*i.e. FIG. 1 shows a depiction of searching and organizing files about two different topics in a method in accordance with this invention. Files 10, 11, 12, 13, 14, and 15 each contain information on a separate topic. Files 10 through 13 all meet the requirements of a first categorization, and can be gathered together and stored in a first folder 16. Files 13 through 15 all meet the requirements of a second categorization, and can be gathered together and stored in a second folder 17. Since file 13 meets both categorizations, it would need to be appear in both first folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, lines 26-40*).

As to claims 2, 14, 19, Thompson-Rohrlich teaches the computer system of Claim 1, wherein the relational information corresponding to one or more of said plurality of items (*Fig. 3*) includes a set of item characteristics (*i.e. All*

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application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, col. 1, line 55 to col. 6, line 11).

As to claims 3, 20, Thompson-Rohrlich teaches the computer system of Claim 2, wherein said shell is configured to present one or more of said set of item characteristic to a user (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*).

As to claims 4, 15, Thompson-Rohrlich teaches the computer system of Claim 2, wherein said shell is configured to accept a user input (*i.e. The user can define the search criteria to be used in searching and organizing files, col. 1, lines 40-55*) representing a selection to view one or more items in the data storage device having one of said item characteristics (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*).

As to claims 5, 21, Thompson-Rohrlich teaches the computer system of Claim 2, wherein said shell configured to present (Fig. 3) one or more items in the data storage device which share one of said item characteristics (*i.e. A Viewer acts as an intelligent folder that continually searches for files meeting a specification supplied by the user, col. 1, line 55 to col. 2, line 11*).

As per claim 6, 10, 17, 22, Thompson-Rohrlich teaches the computer of Claim 1, wherein the shell is configured to present at least a portion of said relational information (*i.e. All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, col. 1, line 55 to col. 6, line 11*).

As to claims 7, 11, 23, Thompson-Rohrlich teaches the computer of Claim 1, wherein the shell is configured to accept a user input representing a selection to view items in the data storage device which are related to said selected item (*i.e. The user can define the search criteria to be used in searching and organizing files, col. 1, lines 40-55*).

As to claims 8, 16, 24, Thompson-Rohrlich teaches the computer system of Claim 7, wherein said relational information corresponding to the selected item includes a set of item characteristics associated (*i.e. Since file 13 meets both categorizations, it would need to be appear in both first folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, lines 26-40*) with the selected item and wherein said user input represents a selection to view one or more items in the data storage device which share one of said set of item characteristics with the

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selected item (*i.e. The user can define the search criteria to be used in searching and organizing files, col. 1, lines 40-55*).

As per claim 12, Thompson-Rohrlich teaches the method of Claim 11, wherein the displaying of said selected item and one or more related items is responsive to said input (*i.e. A Viewer can be used to organize files, or as a way to find files having a known characteristic, col. 1, line 55 to col. 2, line 11*).

Response to Arguments

With respect to claims 1-24, Applicants have amended the independent claims 1, 9, 13, 18 to attempt to overcome the cited arts; however, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo, can be reached at (571) 272-3677. The fax number to this Art Unit is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Miranda Le/
Primary Examiner, Art Unit 2169

January 28, 2009